

Customer No.: 31561
Application No: 10/710,040
Docket No.: 12340-US-PA

REMARKS

This is a full and timely response to the outstanding nonfinal Office Action mailed Jan. 12, 2006. Applicants submit that all informalities indicated by the Examiner have been corrected hereby. Claims 1, 3 and 8 have been amended hereby. Support to the change to claim 1 can be found in the drawings, specifically FIGS. 3A and 3B. Claims 3 and 8 are amended hereby following the instruction by the Examiner for overcoming claim objections thereto of informalities. Thus there is no new matter entered. Reconsideration and allowance of the application and presently pending claims 1-13, as originally filed, are respectfully requested.

Claim Objection

Claims 3 and 8 are objected to because of informalities. In response to the objection, Applicants hereby submit that appropriate correction thereto according to the instruction of the Examiner has been made. As such, claims 3 and 8 are in their proper form for allowance.

Claim Rejections – 35 U.S.C. § 112

Claims 3 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Responsive to the rejection to claims 3 and 8 under 35 U.S.C. 112, second paragraph, Applicants amended claims 3 and 8, in that the word "thereof" which is construed as unclear by the Examiner has been replaced in a clear manner. As such, claims 3 and 8 are submitted to be allowable in their current forms.

Customer No.: 31561
Application No: 10/710,040
Docket No.: 12340-US-PA

Claim Rejections – 35 U.S.C. § 102

The Office Action rejected claims 1, 3, 11 and 12 under 35 U.S.C. 102(e) as being anticipated by Lin 6,751,097.

In response to the rejection to claims 1, 3, 11 and 12 under 35 U.S.C. 102(e) as being anticipated by Lin 6,751,097, Applicants hereby otherwise traverse this rejection. As such, Applicant submits that claims 1, 3, 11 and 12 are now in condition for allowance.

With respect to claim 1, as currently amended, recites in part:

A fan module, comprising:

...a plurality of fins, disposed across the air outlet and laid parallel to each other, wherein each fin has a plurality of first protruding sections protruding from a surface of the fin for separating neighboring fins from each other ...each of the fins has a long strip shape of uniform width (Emphasis added)

Applicants submit that such a device as set forth in claim 1 is neither taught, disclosed, nor suggested by Lin '097, or any of the other cited references, taken alone or in combination.

Applicants notes that the Examiner alleges item 23 of Lin '097 reads on the claimed first protruding sections. However, Lin '097 teaches "[T]he connecting end 22 has a bridge section 23 extending in a direction transverse or normal to the axis of the fin unit 20," (Emphasis added). Apparently, the bridge section 23 is neither a part of the fins, nor protruding from a surface of the fin as required for the present invention, as set forth in claim 1. Thus, Lin '097 fails to teach, disclose or suggest "each fin has a plurality of first protruding sections protruding from a surface of the fin for separating neighboring fins from each other" that is defined in claim 1 (Emphasis added). Claim 1, as currently amended, is then submitted to be novel and unobvious over Lin '097 and any of the other cited

Customer No.: 31561
Application No: 10/710,040
Docket No.: 12340-US-PA

references, taken alone or in combination, and should be allowed (MPEP §2131). Claims 3, 11 and 12 depend on claim 1, and thus should also be allowed.

Claim Rejections – 35 U.S.C. § 103

The Office Action rejects claim 10 under 35 U.S.C. 103(a) as being unpatentable over Lin '097. Applicants submit that claim 10 depend on claim 1, while if claim 1 is allowable, then claim 10 is also allowable.

The Office Action rejects claims 1-13 under 35 U.S.C. 103(a) as being unpatentable over Miyahara 6,439,299 in view of Lin '097.

In respond to the rejections to claims 1-3 under 35 U.S.C. 103(a) as being unpatentable over Miyahara 6,439,299 in view of Lin '097. Applicants have amended claim 1 and hereby otherwise traverse the rejection. As such, Applicants submit that 1-13 are new and nonobvious over Miyahara '299 and Lin '097, or any of the other cited references, taken alone or in combination, and thus should be allowed.

Miyahara '299 fails to disclose, teach or suggest **“each of the fins has a long strip shape of uniform width”** as set forth in claim 1 (Emphasis added). Miyahara '299 teaches “the plate-like members 10 to 14 comprises thin plates (or sheets) of an L-shape ...” and “[T]he plate-like members 10 to 14 can have a J-shape, a U-shape or an I-shape, or can have an opening or hole, formed through a central portion thereof, such that the plate-like members 10 to 14 surround the fan 2” (FIGS. 1 to 3; Column 6, lines 39 and 48). Therefore, such plate-like members 10-14 being of an L-shape or a U-shape or an I-shape that surround the

Customer No.: 31561
Application No: 10/710,040
Docket No.: 12340-US-PA

fan, do not read on the fins disposed across the air outlet that each has a long strip shape of uniform width, as required for the present invention, as set forth in claim 1 (MPEP §2143.03).

Further, since the plate-like members 10-14 are configured in such shapes for an intended purpose of surrounding the fan 2, the plate-like member 10-14 of Miyahara '299 can not be modified to have a strip shape of uniform width, because such a modification would render the Miyahara '299 unsatisfactory for its intended purpose (MPEP §2143.01). As such, Applicants submit that any 103 rejection in accordance with a modification addressing to replacing the plate-like members of Miyahara '299 with any other fins would not be proper.

For at least the foregoing reasons, the present invention, as set forth in claim 1, as currently amended, is submitted to be novel and unobvious over Miyahara '299, Lin '097, or any of the other cited references, taken alone or in combination, and thus should be allowed.

If independent claim 1 is allowable over the prior art of record, then its dependent claims 2-13 are allowable as a matter of law, because these dependent claims contain all features of their respective independent claim 1. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

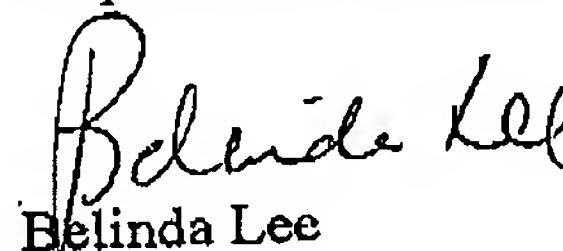
Customer No.: 31561
Application No: 10/710,040
Docket No.: 12340-US-PA

CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-13 are in proper condition for allowance and an action to such effect is earnestly solicited. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,


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